

IN RE: PETITION FOR ZONING VARIANCE  
NE/S Delaware Place, 200' W  
of the c/l of Maryland Avenue  
(1006 Arunah Avenue)  
1st Election District  
1st Councilmanic District  
Gayla L. Smuck  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 89-4-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a side street setback of 10 feet in lieu of the required 25 feet for a proposed single family dwelling as more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared and testified. Also appearing on behalf of the Petition were William Smuck, Petitioner's husband, and Elizabeth Gray, Real Estate Agent with Coldwell Banker. There were no Protestants.

Testimony indicated that the subject property, known as 1006 Arunah Avenue, is zoned D.R. 5.5 and is located on the corner of Arunah and Delaware Avenues. The Petitioner testified that she purchased the property eight years ago and that she and her husband now propose constructing a single family dwelling. If strict compliance with the zoning regulations is required, a building width of only 5 feet will be permitted as a result of the required 25-foot setback from Delaware Avenue, which is a paper street. There is no adjoining property available for purchase by the Petitioner to provide additional width. The Petitioner indicated she would suffer practical difficulty and unreasonable hardship if the variance was not granted.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements

of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22nd day of July, 1988 that the Petition for Zoning Variance to permit a side street setback of 10 feet in lieu of the required 25 feet for a single family dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

AMN:bjs

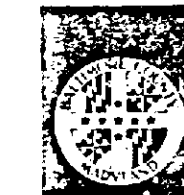
ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

-2-

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

July 22, 1988



Dennis F. Rasmussen  
County Executive

Ms. Gayla L. Smuck  
5500 Dogwood Road  
Baltimore, Maryland 21207

RE: PETITION FOR ZONING VARIANCE  
NE/S Delaware Place, 200' W of the c/l of Maryland Avenue  
(1006 Arunah Avenue)  
1st Election District; 1st Councilmanic District  
Case No. 89-4-A

Dear Ms. Smuck:

Enclosed please find the decision rendered on the above-referenced cause. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs  
Enclosure  
cc: People's Counsel

File

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

June 1, 1988

NOTICE OF HEARING



Dennis F. Rasmussen  
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 89-4-A  
NE/S Delaware Place, 200' W c/l Maryland Avenue  
(1006 Arunah Avenue)  
1st Election District - 1st Councilmanic  
District  
Petitioner(s): Gayla L. Smuck  
HEARING SCHEDULED: FRIDAY, JULY 15, 1988 at 2:00 p.m.

VARIANCE to permit a side street setback of 10 feet in lieu of the required 25 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: Gayla L. Smuck  
File

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

Date: July 8, 1988



Dennis F. Rasmussen  
County Executive

Ms. Gayla L. Smuck  
5500 Dogwood Road  
Baltimore, Maryland 21207

Re: Petition for Zoning Variance  
CASE NUMBER: 89-4-A  
NE/S Delaware Place, 200' W c/l Maryland Avenue  
(1006 Arunah Avenue)  
1st Election District - 1st Councilmanic  
District  
Petitioner(s): Gayla L. Smuck  
HEARING SCHEDULED: FRIDAY, JULY 15, 1988 at 2:00 p.m.

Dear Ms. Smuck:

Please be advised that \$46.36 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE-REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: 7/12/88 ACCOUNT: 89-4-A-15-1000

AMOUNT: \$ 68.36

RECEIVED FROM: Gayla L. Smuck

FOR: Robert Haines 7/15/88

B 100\*\*\*\*\*6836: 89-4-A

VALIDATION OR SIGNATURE OF CASHIER

PROPERTY DESCRIPTION

Beginning on the NE/S of Arunah Avenue also the NE/Corner at Delaware Place (paperstreet). Also being 220' W of the centerline of Maryland Avenue. Being lots #29 and #30 on the plat of Catonsville Heights Book 6-178. Containing 5020 square feet in the 1st Election District. Also known as 1006 Arunah Avenue.

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-4-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1102.5.2.1 To permit a side street setback of 10 feet in lieu of the required 25 feet.

1. TO ALLOW CONSTRUCTION OF ONE SINGLE FAMILY HOME
2. WITHOUT VARIANCE, LOT WOULD BE WORTHLESS
3. THERE ARE NO LOTS TO BUY ADJACENT TO LOT

The Petition is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: (Type or Print Name)  
Signature  
Address  
City and State  
Attorney for Petitioner: (Type or Print Name)  
Signature  
Address  
City and State  
Legal Owner(s): GAYLA L. SMUCK  
(Type or Print Name)  
Signature  
(Type or Print Name)  
Address  
City and State  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
GAYLA L. SMUCK  
Name

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE-REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: 7/12/88 ACCOUNT: 89-4-A-15-1000

AMOUNT: \$ 68.36

RECEIVED FROM: Gayla L. Smuck

FOR: Robert Haines

B 100\*\*\*\*\*6836: 89-4-A

VALIDATION OR SIGNATURE OF CASHIER

"DUPLICATE"  
CERTIFICATE OF PUBLICATION

TOWSON, MD., June 23, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 23, 1988.

THE JEFFERSONIAN,

S. Zetke Olson  
Publisher

33.75

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:  
Petition for Zoning Variance  
Case Number: 89-4-A  
NE/S Delaware Place, 200' W of Maryland Avenue (1006 Arunah Avenue)  
1st Election District - 1st Councilmanic District  
Petitioner(s): Gayla L. Smuck  
HEARING SCHEDULED: FRIDAY, JULY 15, 1988 at 2:00 p.m.  
Variance to permit a side street setback of 10 feet in lieu of the required 25 feet.  
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.



Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4500

Paul H. Reineke  
Chief  
J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

May 18, 1988



Re: Property Owner: Gayla L. Smuck

Dennis F. Rasmussen  
County Executive

Location: NE/S of Delaware Pl. 220' W. of c/l Maryland Avenue

Item No.: 383

Zoning Agenda: Meeting of 5/3/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

- ( ) 2. A second means of vehicle access is required for the site.

- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

- ( ) 6. Site plans are approved, as drawn.

- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. Kelly* 5-18-88  
Noted and Approved: *John F. Kelly*  
Planning Group  
Special Inspection Division  
Fire Prevention Bureau

/j1

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
494-3554

May 23, 1988



Dennis F. Rasmussen  
County Executive

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 362, 381, 382, (383), 384, 385, 386 and 389.

Very truly yours,

*Stephen E. Weber*  
Stephen E. Weber, P.E.  
Assistant Traffic Engineer

SEN/RF/pml-b

RECEIVED  
MAY 26 1988  
ZONING OFFICE

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 28, 1988

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

000

Gayla L. Smuck  
5500 Dogwood Road  
Baltimore, Maryland 21207

RE: Item No. 383 - Case No. 89-4-A  
Petitioner: Gayla L. Smuck  
Petition for Zoning Variance

Dear M. Smuck:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:dt

Enclosures

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

Date: June 20, 1988

FROM: P. David Fields, Director  
Office of Planning and Zoning

SUBJECT: Zoning Petitions #89-4-A, 89-5-A, 89-14-A, 89-15-A,  
89-16-A, 89-17-A, 89-19-A, 89-21-A, 89-23-A, 89-25-A,  
89-27-A, 89-28-A, 89-29-A, and 89-34-A

There are no comprehensive planning factors requiring comment on these petitions.

*P. David Fields per J. G. Hoswell*  
P. David Fields, Director  
Office of Planning and Zoning

PDF/jat  
cc: Shirley Hess, People's Counsel  
J. G. Hoswell  
Zoning File

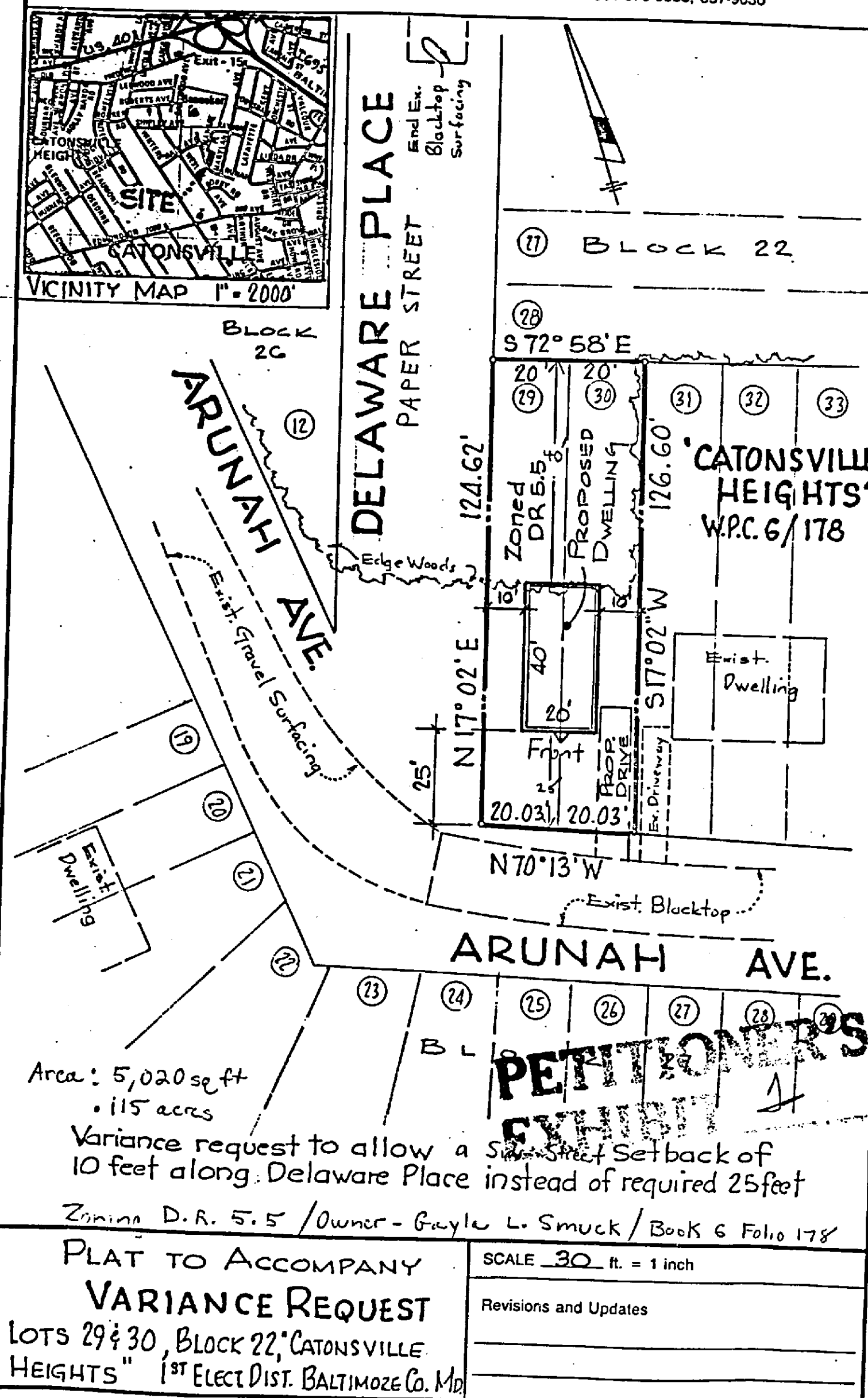
cc: Ms. Gayla L. Smuck

RECEIVED  
JUN 23 1988  
ZONING OFFICE

CPS-008

BPR INC.

359 MANCHESTER ROAD  
WESTMINSTER, MARYLAND 21157  
301-876-0333, 857-9030



89-4-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
4th day of May, 1988.

Petitioner: Gayla L. Smuck  
Petitioner's Attorney:

Received by: *J. Robert Haines*  
J. ROBERT HAINES  
Chairman, Zoning Plans  
Advisory Committee